

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRANDON J. HOLMES,	:	No. 3:16cv644
Plaintiff	:	
v.	:	(Judge Munley)
	:	
J. ECK, C. PIZZOLI, M. RUSSO, and	:	(Magistrate Judge Carlson)
B. MOTTERN,	:	
Defendants	:	

.....

ORDER

AND NOW, to wit, this 29th day of April 2016, we have before us for disposition Chief Magistrate Judge Martin C. Carlson's report and recommendation (Doc. 6). Magistrate Judge Carlson recommends declining plaintiff's request to initiate the filing of criminal charges against certain defendants, striking plaintiff's request for a specific compensatory damages amount, and dismissing plaintiff's constitutional tort claim pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971) against the United States.

In lieu of filing objections, plaintiff filed an amended complaint. (Doc. 9). Plaintiff's amended complaint no longer seeks the initiation of criminal charges against certain defendants and fails to state any claims against the United States. (Id.) Plaintiff's amended complaint, however, still seeks a specified amount of unliquidated damages. When deciding whether to adopt a report and recommendation when no objections have been filed, we must determine if a review of the record evidences plain error or manifest injustice. FED. R.

Civ. P. 72(b) 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

The court finds no plain error after careful review of the record.

Accordingly,

1. The Report and Recommendation of Chief Magistrate Judge Carlson (Doc. 6) is hereby **ADOPTED**;
2. Plaintiff’s request to initiate the filing of criminal charges against certain defendants is **DENIED**;
3. Plaintiff’s Bivens claim against the United States is **DISMISSED**, and the United States is **DISMISSED** as a defendant in this action; and
4. The court hereby **STRIKES** from the amended complaint plaintiff’s request for specific monetary damages.
5. The Clerk of Court is directed to remand this matter to Chief Magistrate Judge Carlson for further proceedings.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court